

EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

2015 MAR -9 PM12:15

MARICELA RUIZ, As Special Administrator
For the Estate of Decedents,
ELIZABETH PERALTA-LUNA, Deceased,
DYLAN PERALTA, Deceased, and
ELIZABETH PERALTA, Deceased,

No.:

Plaintiffs,

Vs.

MONSON AND SONS, INC., A Corporation and
ZACHARY BARNGROVER, Individually,

Defendants,

2015L002393
CALENDAR/ROOM B
TIME 00:00
PI Other

COMPLAINT AT LAW

Plaintiff, MARICELA RUIZ, As Special Administrator For the Estate of Decedants, ELIZABETH PERALTA-LUNA, Deceased, DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased, by her attorneys LAW OFFICES OF SCOTT B. WOLFMAN & ASSOCIATES, and LAW OFFICES OF DALE & PAKENAS and complaining of Defendants, MONSON AND SONS, INC., A Corporation and ZACHARY BARNGROVER, Individually, state as follows:

COUNT I – WRONGFUL DEATH – PLAINTIFF, ELIZABETH PERALTA-LUNA

1. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, operated, managed, maintained and controlled a semi-trailer truck traveling in a generally westbound direction on 43rd Street, in the City of Chicago, State of Illinois, County of Cook.

2. On or about March 6, 2015, Plaintiff, ELIZABETH PERALTA-LUNA, deceased, was a pedestrian crossing Ashland Avenue at the intersection of 43rd Street, with her two children DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased.

3. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, while acting as an agent of Defendant, MONSON AND SONS, INC., A Corporation, was attempting to turn left from 43rd Street onto southbound Ashland Avenue.

4. On or about March 6, 2015, ELIZABETH PERALTA-LUNA, deceased, with her two children DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased, were struck by the semi-trailer truck driven by Defendant, ZACHARY BARNGROVER while acting as an agent of Defendant, MONSON AND SONS, INC., A Corporation.

5. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, had a duty to use ordinary care in the operation of his semi-trailer truck.

6. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said semi-trailer truck;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said semi-trailer truck;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently failed to stop his vehicle in traffic;

- e. Carelessly and negligently failed to decrease speed so as to avoid colliding with a person, in violation of 625 ILCS 5/11-601;
- f. Carelessly and negligently failed to yield the right of way before making his left turn;
- g. Carelessly and negligently failed to yield the right-of-way to Plaintiff, a pedestrian, in violation of 625 ILCS 5/11-1002;
- h. Carelessly and negligently failed to slow his motor vehicle;
- i. Carelessly and negligently used his cell phone while operating his motor vehicle;
- j. Carelessly and negligently failed to yield to the right of way at an intersection to a pedestrian before proceeding with a left hand turn, in violation of 625 ILCS 5/11-902; and
- k. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, Plaintiff, ELIZABETH PERALTA-LUNA, sustained injuries resulting in her death on March 6, 2015.

8. MARICELA RUIZ, As Special Administrator of the Estate of ELIZABETH PERALTA-LUNA, Deceased, brings this wrongful death lawsuit.

9. MARICELA RUIZ, as Special Administrator of the Estate of ELIZABETH PERALTA-LUNA, deceased, brings this claim pursuant to 740 ILCS 18011 et.seq., commonly known as the Wrongful Death Act of the State of Illinois.

WHEREFORE, Plaintiff, MARICELA RUIZ, As Special Administrator of the Estate of ELIZABETH PERALTA-LUNA, prays for judgment in her favor and against the Defendants, ZACHARY BARNGROVER, Individually and as an agent and employee of Defendant,

MONSON AND SONS, INC., A Corporation in a sum greater than \$50,000.00 plus costs of this suit.

COUNT II – WRONGFUL DEATH – PLAINTIFF, ELIZABETH PERALTA

1. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, operated, managed, maintained and controlled a semi-trailer truck traveling in a generally westbound direction on 43rd Street, in the City of Chicago, State of Illinois, County of Cook.

2. On or about March 6, 2015, Plaintiff, ELIZABETH PERALTA-LUNA, deceased, was a pedestrian crossing Ashland Avenue at the intersection of 43rd Street, with her two children DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased.

3. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, while acting as an agent of Defendant, MONSON AND SONS, INC., A Corporation, was attempting to turn left from 43rd Street onto southbound Ashland Avenue.

4. On or about March 6, 2015, ELIZABETH PERALTA-LUNA, deceased, with her two children DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased, were struck by the semi-trailer truck driven by Defendant, ZACHARY BARNGROVER while acting as an agent of Defendant, MONSON AND SONS, INC., A Corporation.

5. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, had a duty to use ordinary care in the operation of his semi-trailer truck.

6. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A

Corporation, breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said semi-trailer truck
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said semi-trailer truck;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently failed to stop his vehicle in traffic;
- e. Carelessly and negligently failed to decrease speed so as to avoid colliding with a person, in violation of 625 ILCS 5/11-601;
- f. Carelessly and negligently failed to yield the right of way before making his left turn;
- g. Carelessly and negligently failed to yield the right-of-way to Plaintiff, a pedestrian, in violation of 625 ILCS 5/11-1002;
- h. Carelessly and negligently failed to slow his motor vehicle;
- i. Carelessly and negligently used his cell phone while operating his motor vehicle;
- j. Carelessly and negligently failed to yield to the right of way at an intersection to a pedestrian before proceeding with a left hand turn, in violation of 625 ILCS 5/11-902; and
- k. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, ZACHARY BARN GROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, Plaintiff, ELIZABETH PERALTA, sustained injuries resulting in her death on March 6, 2015.

8. MARICELA RUIZ, As Special Administrator of the Estate of ELIZABETH PERALTA, Deceased, brings this wrongful death lawsuit.

9. MARICELA RUIZ, as Special Administrator of the Estate of ELIZABETH PERALTA, deceased, brings this claim pursuant to 740 ILCS 18011 et.seq., commonly known as the Wrongful Death Act of the State of Illinois.

WHEREFORE, Plaintiff, MARICELA RUIZ, As Special Administrator of the Estate of ELIZABETH PERALTA, Deceased, prays for judgment in her favor and against the Defendants, ZACHARY BARNGROVER, Individually and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation in a sum greater than \$50,000.00 plus costs of this suit.

COUNT III – WRONGFUL DEATH – PLAINTIFF, DYLAN PERALTA

1. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, operated, managed, maintained and controlled a semi-trailer truck traveling in a generally westbound direction on 43rd Street, in the City of Chicago, State of Illinois, County of Cook.

2. On or about March 6, 2015, Plaintiff, ELIZABETH PERALTA-LUNA, deceased, was a pedestrian crossing Ashland Avenue at the intersection of 43rd Street, with her two children DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased.

3. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, while acting as an agent of Defendant, MONSON AND SONS, INC., A Corporation, was attempting to turn left from 43rd Street onto southbound Ashland Avenue.

4. On or about March 6, 2015, ELIZABETH PERALTA-LUNA, deceased, with her two children DYLAN PERALTA, Deceased, and ELIZABETH PERALTA, Deceased, were struck by the semi-trailer truck driven by Defendant, ZACHARY BARNGROVER while acting as an agent of Defendant, MONSON AND SONS, INC., A Corporation.

5. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, had a duty to use ordinary care in the operation of his semi-trailer truck.

6. On or about March 6, 2015, Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said semi-trailer truck;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said semi-trailer truck;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently failed to stop his vehicle in traffic;
- e. Carelessly and negligently failed to decrease speed so as to avoid colliding with a person, in violation of 625 ILCS 5/11-601;
- f. Carelessly and negligently failed to yield the right of way before making his left turn;
- g. Carelessly and negligently failed to yield the right-of-way to Plaintiff, a pedestrian, in violation of 625 ILCS 5/11-1002;
- h. Carelessly and negligently failed to slow his motor vehicle;
- i. Carelessly and negligently used his cell phone while operating his motor vehicle;

- j. Carelessly and negligently failed to yield to the right of way at an intersection to a pedestrian before proceeding with a left hand turn, in violation of 625 ILCS 5/11-902; and
- k. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, ZACHARY BARNGROVER, Individually, and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation, Plaintiff, DYLAN PERALTA, sustained injuries resulting in his death on March 6, 2015

8. MARICELA RUIZ, As Special Administrator of the Estate of DYLAN PERALTA, Deceased brings this wrongful death lawsuit.

9. MARICELA RUIZ, as Special Administrator of the Estate of DYLAN PERALTA, deceased, brings this claim pursuant to 740 ILCS 18011 et.seq., commonly known as the Wrongful Death Act of the State of Illinois.

WHEREFORE, Plaintiff, MARICELA RUIZ, As Special Administrator of the Estate of DYLAN PERALTA, Deceased, prays for judgment in her favor and against the Defendants, ZACHARY BARNGROVER, Individually and as an agent and employee of Defendant, MONSON AND SONS, INC., A Corporation in a sum greater than \$50,000.00 plus costs of this suit.

By:


SCOTT B. WOLFMAN,
One of Plaintiff's Attorneys

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